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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,006	12/22/2000	Tim Wilson	08-882240US1	7788
7590	09/30/2004		EXAMINER	LUU, LE HIEN
Gowling Lafleur Henderson LLP Suite 2600 160 Elgin Street Ottawa, ON K1P 1C3 CANADA			ART UNIT	PAPER NUMBER
2141				
DATE MAILED: 09/30/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/742,006	WILSON, TIM	
	Examiner	Art Unit	
	Le H Luu	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12/22/00 - 5/21/04.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 13-19 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 December 2000 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/12/01 - 2/6/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

1. Claims 1-12 are presented for examination.
2. Applicant's election of claims 1-12 in the reply filed on 5/21/2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
3. Applicant is requested to formally cancel non-elected claims 13-19.
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

or

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-2 and 12 are rejected under 35 U.S.C. § 102(e) as being anticipated by Redlich patent no. 6,591,306.

6. As to claims 1 and 12, Redlich teaches the invention as claimed, including a method of providing a user access to a network for a computer configured for a different network without user initiated software or hardware configuration changes comprising the steps of:

- 1) automatically determining and assigning addressing information for the computer on the foreign network (col. 10 line 62 - col. 11 line 9; col. 15 line 66 - col. 16 line 14);
- 2) registering the computer (col. 21 lines 34-40);
- 3) permitting only registered computers to access the foreign network (col. 16 lines 39-44);
- 4) storing and maintaining the addressing information (col. 21 lines 34-57); and
- 5) accessing the foreign network by directing traffic to and from the computer utilizing the addressing information (Abstract; col. 30 lines 30-67).

7. As to claim 2, Redlich teaches automatically determining and assigning comprises the step of utilizing an IP or ARP packet to determine the computer addresses (col. 17 lines 20-64).

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3-11 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Redlich patent no. 6,591,306, in view of Levy patent no. 6,466,981.

10. As to claim 3, Redlich teaches the invention substantially as claimed as discussed above; However, Redlich does not explicitly teach assigning an IP address to the computer from a pool of IP addresses for the foreign network.

Redlich teaches Dynamic Host Configuration Protocol (DHCP) may be considered for supporting guest stations (col. 13 lines 20-26), and Levy teaches a portable computer supports DHCP that allows dynamic assignment of an Internet Protocol address from a pool of IP addresses to the portable computer (col. 6 lines 33-41).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Redlich and Levy to assign an IP address to the computer from a pool of IP addresses for the foreign network because it would avoid long distance charges.

11. As to claims 4-12, Redlich and Levy teach fixing a registration period during which the computer is permitted access to the foreign network; unregistering the computer when the registration period has expired; collecting and maintaining billing and registration status information; storing the collected information in a database; identifying the computer for billing purposes through use of a preissued access code (Redlich, col. 21 lines 22-57; Levy, col. 7 line 60 - col. 8 line 3). In addition, backup and reload information as well as using SNMP and network switching architecture to identify the switch port to which the computer is connected are well-known.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le H. Luu, whose telephone number is (703) 305-9650. The examiner can normally be reached Monday through Friday from 7:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached at (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7240.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

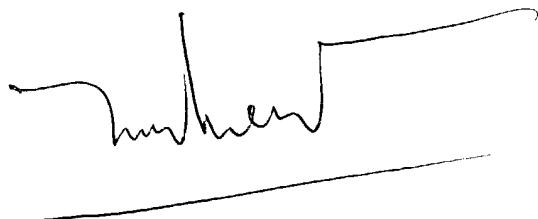
or faxed to:

(703) 872-9306, (for formal communications; please mark "EXPEDITED PROCEDURE").

Or:

(703) 872-9306 (for informal or draft communications, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).



LE HIEN LUU
PRIMARY EXAMINER

September 24, 2004